

SALT LAKE CITY ORDINANCE
No. _____ of 2016

Impact fees amendments, consolidated fee schedule amendment, and adoption of impact fees
facilities plan

(An ordinance amending certain sections of 18.98 of the *Salt Lake City Code* relating to impact fees, adopting an impact fees facilities plan, and providing for corresponding changes to the Salt Lake City Consolidated Fee Schedule.)

WHEREAS, chapter 18.98 of the *Salt Lake City Code* (Impact Fees) and chapter 11-36a of the Utah Code govern the preparation and adoption of impact fee facilities plans and impact fee analyses; and

WHEREAS, the City Council desires to adopt a new impact fees facilities plan; and

WHEREAS, it is necessary and desirable to delete the suspension of collection provisions in Section 18.98.005, and to revise certain sections of 18.98 with respect to the service areas for the impact fees; and

WHEREAS, on May 17, 2011 the City Council adopted Ordinances 2011-23, 2011-24 and 2011-25 to authorize and create the Salt Lake City Consolidated Fee Schedule; and

WHEREAS, in connection with the adoption of the new impact fees facilities plan, it is now proposed that the Salt Lake City Consolidated Fee Schedule be amended to modify the City's impact fees as shown in the attached Exhibit A; and

WHEREAS, after a public hearing, the City Council finds (i) the fees set forth in Exhibit A are necessary, reasonable, and equitable in relation to regulatory and service costs incurred by the City; and (ii) adoption of this ordinance reasonably furthers the health, safety, and general welfare of the citizens of Salt Lake City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Deleting *Salt Lake City Code* section 18.98.005, Suspension of Collection.

That section 18.98.005, Suspension of Collection, is hereby deleted in its entirety.

SECTION 2. Amending *Salt Lake City Code* section 18.98.020, Definitions. Section 18.98.020 of the Salt Lake City Code shall be, and hereby is, amended to read as follows:

18.98.020: DEFINITIONS:

The following definitions shall apply for purposes of this chapter unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined by their usual and customary meanings.

ACCESSORY STRUCTURE: A subordinate building or structure, located on the same lot with the main building, occupied by or devoted to an accessory use. When an accessory structure is attached to the main building in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main building.

ACCESSORY USE: A use that:

- A. Is subordinate in area, extent and purpose to, and serves a principal use;
- B. Is customarily found as an incident to such principal use;
- C. Contributes to the comfort, convenience or necessity of those occupying, working at or being serviced by such principal use;
- D. Is located on the same zoning lot as such principal use; and
- E. Is under the same ownership or control as the principal use.

ACT: The Utah impact fees act, Utah code title 11, chapter 36a, as in existence on the effective date hereof or as hereafter amended.

BUILDING PERMIT: An official document or certification which is issued by the building official of the city and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

CHANGE IN USE: A change from commercial use to residential use.

CITY: Salt Lake City, Utah.

CITY ENGINEER: The duly appointed and acting city engineer for the city.

COUNCIL: The municipal council of the city.

DEPARTMENT: The department of community and neighborhoods of the city.

DEVELOPER: An individual, group of individuals, partnership, corporation, limited liability company, association, municipal corporation, state agency, or other person undertaking development activity, and their successors and assigns.

DEVELOPMENT ACTIVITY: Any construction or expansion of a building, structure or use; any change in use of a building or structure; the subdivision of land; the seeking of plat approval, planned development approval, site plan approval, lot line adjustment, or conditional use permit approval; or any other change in use of land that creates additional demand and need for public streets and roads, publicly owned parks, open space recreational facilities and trails, police or fire facilities.

DEVELOPMENT APPROVAL: Any written authorization from the city, other than a building permit, which authorizes the commencement of a development activity, including, but not limited to, plat approval, planned development approval, site plan approval, lot line adjustment, and a conditional use permit.

DIRECTOR: The director of the department of community and neighborhoods of the city.

ENCUMBERED: To reserve, set aside, or otherwise earmark impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for planned facilities.

FEE PAYER: A person, corporation, partnership, incorporated association, or any other similar entity, or a department or bureau of any governmental entity or municipal corporation commencing a development activity which creates the demand for planned facilities and which requires the issuance of a building permit. "Fee payer" includes an applicant for an impact fee credit.

FIRE IMPACT FEE: The impact fee designated to pay for fire public safety facilities.

HUD: The United States department of housing and urban development.

IMPACT FEE: A payment of money imposed by the city on development activity pursuant to this chapter as a condition of granting a building permit in order to pay for the planned facilities needed to serve new growth and development activity. "Impact fee" does not include a tax, a special assessment, a hookup fee, a fee for project improvements, a reasonable permit or application fee, the administrative fee for collecting and handling impact fees, the cost of reviewing independent impact fee calculations, or the administrative fee required for an appeal.

IMPACT FEE ACCOUNT OR ACCOUNT: The account or accounts established for the planned facilities for which impact fees are collected.

IMPACT FEE FACILITIES PLAN: The plan adopted by the City to determine the public facilities required to serve development resulting from a new development activity, as required under Utah Code 11-36a-301.

INDEPENDENT IMPACT FEE CALCULATION: The impact calculation or economic documentation prepared by a fee payer to support the assessment of an impact fee other than the fees established in the city's consolidated fee schedule.

LOT LINE ADJUSTMENT: Shall have the same meaning as set forth in title 20, chapter 20.24 of this code.

NET POSITIVE FISCAL IMPACT: New revenue to the city in excess of the cost of the necessary infrastructure and municipal services attributable to a development activity.

OWNER: The owner of record of real property, or a person with an unrestricted written option to purchase property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

PARK IMPACT FEES: The impact fee designated to pay for publicly owned parks, open space, recreational facilities and trails.

PLANNED DEVELOPMENT OR PD: Has the same meaning as set forth in section 21A.62.040 of this code.

PLANNED FACILITIES: Roadway facilities, parks, open space and recreational facilities and trails, public safety facilities included in the capital improvements plan of the city.

POLICE IMPACT FEE: The impact fee designated to pay for police public safety facilities.

PUBLIC SAFETY FACILITIES: A building constructed or leased to house police, fire, or other public safety entities; or a fire suppression vehicle costing in excess of \$500,000. Public safety facility does not mean a jail, prison, or other place of involuntary incarceration.

QUALIFYING IMPROVEMENT: Any portion of the infrastructure listed in the impact fee facilities plan.

RESIDENTIAL UNIT: Any building or portion thereof which contains living facilities including provisions for sleeping, cooking, eating, and sanitation, as required by the city, for not more than one family, and including site built buildings, manufactured homes and modular homes.

ROADWAY FACILITIES: A street or road that has been designated on an officially adopted subdivision plat, roadway plan, or general plan of a political subdivision, together with all necessary appurtenances. Roadway facilities includes associated improvements to a federal or state roadway only when the associated improvements are necessitated by the new development

and are not funded by the state or federal government. Roadway facilities does not mean federal or state roadways.

ROADWAY FACILITIES IMPACT FEE: The impact fee designated to pay for roadway facilities.

STANDARD OF SERVICE: The quantity and quality of service which the director has determined to be appropriate and desirable for the city. A measure of the standard of service may include, but is in no way limited to, maximum levels of congestion on city streets and roads, maximum commute times, maximum wait at stops, minimum police service capabilities, minimum fire suppression capabilities, minimum park space per capita for a variety of types of parks, minimum distance from residences to parks, and any other factors the director may deem appropriate.

STATE: The state of Utah.

SECTION 3. Amending text of Salt Lake City Code Section 18.98.040, Service Areas.

That Section 18.98.040, Service Areas, of the Salt Lake City Code shall be, and hereby is, amended to read as follows:

18.98.040: SERVICE AREAS:

A. The following impact fee service areas are hereby established:

1. For the purpose of park impact fees, the service area shall be all of the incorporated area of the city, including future annexed area.
2. For the purpose of fire impact fees, the service area shall be all of the incorporated area of the city, including future annexed area.
3. For the purpose of roadway facilities impact fees, the service area shall be all of the incorporated area of the city, including future annexed area.
4. For the purpose of police impact fees, the service area shall be all of the incorporated area of the city, including future annexed area.

B. Impact fees shall be assessed only on development activity within the service area.

C. Impact fees collected within a service area shall be spent within that service area.

D. The appropriateness of the designation and boundaries of the service areas shall be reviewed periodically by the city as part of the impact fee revision process. Following such review and a public hearing, the service areas may be amended.

SECTION 4. Amending text of Salt Lake City Code subsections 18.98.050.A. and B. That subsections 18.98.050.A and B of the Salt Lake City Code shall be, and are hereby amended to read as follows:

A. Unless an applicant requests an independent impact fee calculation as set forth in section 18.98.160 of this chapter, the impact fees shall be calculated for the proposed development activity based on the permit allowing the use, according to the fee schedule in the city's consolidated fee schedule, less any applicable offsets under section 18.98.070 of this chapter.

B. The impact fee schedule in the city's consolidated fee schedule is hereby adopted and incorporated herein by reference.

SECTION 5. Deleting Salt Lake City Code subsection 18.98.060.C. Subsection 18.98.060.C of the Salt Lake City Code is hereby deleted in its entirety.

SECTION 6. Deleting Salt Lake City Code section 18.98.150, Adjustments. Section 18.98.150, Adjustments, of the Salt Lake City Code is hereby deleted in its entirety.

SECTION 7. Adopting the Impact Fees Facilities Plan. The City Council hereby adopts the Impact Fees Facilities Plan dated _____, 2016, which plan was prepared by Lewis Young Robertson & Burningham, Inc. and is which is available on the city's website or upon request at the office of the Salt Lake City Division of Housing and Neighborhood Development.

SECTION 8. Consolidated Fee Schedule. The Salt Lake City Consolidated Fee Schedule shall be, and hereby is, amended, in pertinent part, to reflect the modified impact fees and corresponding fee information set forth in the attached Exhibit A, and that a copy of the amended Salt Lake City Consolidated Fee Schedule shall be published on the official Salt Lake City website.

SECTION 9. Effective Date. This Ordinance shall take effect upon publication, provided, however, than any increase in impact fees will not take effect until 90 days after the

adoption of this Ordinance.

Passed by the City Council of Salt Lake City, Utah, this ____ day of _____,
2016.

James Rogers, Chairman

ATTEST:

CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CITY RECORDER

(SEAL)

Bill No. _____ of 2016

Published: _____.

APPROVED AS TO FORM Salt Lake City Attorney's Office Date: <u>10/13/16</u> By: <u>[Signature]</u> Katherine N. Lewis, <i>Senior City Attorney</i>
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